

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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SHERRIE ATTEBERRY,

Case No.: 2:21-cv-01984-CDS-EJY

Plaintiff.

V.

SMITH'S FOOD AND DRUG CENTERS,
INC., d/b/a SMITH'S FOOD AND DRUG
CENTER; TYLER TATE, an individual; DOE
INDIVIDUALS I through XX; ROE LEGAL
ENTITIES I through XX, inclusive,

Defendants.

ORDER

SMITH'S FOOD AND DRUG CENTERS,
INC., d/b/a SMITH'S FOOD AND DRUG
CENTER; TYLER TATE, an individual; DOE
INDIVIDUALS I through XX; ROE LEGAL
ENTITIES I through XX, inclusive,

Defendants.

12 This matter has been referred to the undersigned Magistrate Judge for a settlement
13 conference. ECF No. 23. An in-person settlement conference is set for **Tuesday, March 7, 2023**.
14 Plaintiff must report to the chambers of Magistrate Judge Youchah, Room 4068, Lloyd D. George
15 United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada at **9:00 a.m.**
16 Defendants must report to the chambers of the undersigned at **9:30 a.m.**

17 Do not come to the courthouse if you are experiencing flu-like symptoms or if you have been
18 in contact with someone who has recently been diagnosed with COVID-19. If you do not feel well
19 or believe you have been exposed to COVID-19, contact Emily Santiago at
20 Emily_Santiago@nvd.uscourts.gov as far in advance of the settlement conference date as possible.
21 The settlement conference may be rescheduled or arrangements may be made to have an individual
22 appear remotely.

Unless the Court orders otherwise, all parties must be present in person for the duration of the settlement conference. This means that all Plaintiffs and Defendants must attend unless expressly excused by the Court. **Any request to be excused must be filed, after consultation with opposing counsel, no later than seven (7) days before the date of the settlement conference.**

If any party is subject to coverage by an insurance carrier, a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim **must** attend.

PREPARATION FOR SETTLEMENT CONFERENCE

In preparation for the settlement conference, each party must submit a confidential settlement conference statement for in camera review. The confidential settlement conference statement, with exhibits should not, generally, exceed 50 pages and must be delivered electronically to Emily Santiago@nvd.uscourts.gov by 3:00 p.m. on February 28, 2023.

The confidential statement must be presented on pleading paper (numbered consecutively beginning with 1 on the left margin of each page with no more than 28 lines per page) and contain the attorney or pro se party's name and address, court title, and case caption. In addition, the confidential settlement statement must contain the following:

1. A brief statement of the nature of the claims and defenses;
2. A concise summary of the evidence that supports your theory of the case, including key individuals who will provide testimony if this matter goes to trial, the Rule 26(a)(1)(A)(iii) computation of damages, and the Rule 26(a)(1)(A)(iv) insurance information. Each party must provide all information that documents or supports your damages claims. Copies of medical records or treatment records need not be submitted; however, these may be provided in a table or summary format;

3. Any documents or exhibits that are relevant to key factual or legal issues, including selected pages from deposition transcripts or responses to other discovery requests. Please do not provide entire deposition transcripts or audio/video recordings;

4. An analysis of the key issues involved in the litigation. The analysis must include a discussion of the strongest points in your case, both legal and factual, and a frank discussion of the weakest points as well. The Court expects the parties to present a thorough analysis of the key issues and candid evaluation of the merits of your case;

5. Identification and explanation of any obstacles to settlement such as medical liens, statutory caps, or motions pending before the court;

6. The history of settlement discussions, if any, which have occurred in this case. Provide any demands, offers or offers of judgment that have been made and, if applicable, the reasons they have been rejected; and

1 7. The initial settlement proposal that will be presented at the settlement conference with
2 a justification for any monetary amount. The proposal must include any non-monetary settlement
3 terms that will be presented.

4 Do not serve a copy of your confidential settlement brief on opposing counsel. Do not deliver
5 or mail a copy to the clerk's office.

6 The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for
7 and conducting the settlement conference. To facilitate a meaningful conference, your utmost
8 candor in responding to all of the above-listed topics is required. The settlement conference
9 statement is confidential. If this case does not settle, the settlement conference statement will not be
10 disclosed to the district judge who will preside over the trial. Each statement will be securely
11 maintained in chambers and will be destroyed following the conference.

12 Failure to comply with the requirements set forth in this Order will subject the non-compliant
13 party to sanctions under Federal Rule of Civil Procedure 16(f).

14 Dated this 23rd day of December, 2022.

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16 ELAYNA J. YOUCRAH
17 UNITED STATES MAGISTRATE JUDGE

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